

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/11/2021**

IN RE: EUROPEAN GOVERNMENT BONDS
ANTITRUST LITIGATION

Docket No. 1:19-cv-02601 (VM)

**STIPULATION AND ~~PROPOSED~~ SIXTH
AMENDED CASE MANAGEMENT ORDER**

Plaintiffs Ohio Carpenters' Pension Fund, Electrical Workers Pension Fund Local 103 I.B.E.W., and San Bernardino County Employees' Retirement Association (collectively, "Plaintiffs"), and Defendants Bank of America, N.A., Merrill Lynch International, NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc), NatWest Markets Securities Inc. (f/k/a RBS Securities Inc.), Nomura Securities International Inc., Nomura International plc, UniCredit Bank AG, UniCredit Capital Markets LLC, Natixis S.A., UBS AG, UBS Europe SE, UBS Securities LLC f/k/a UBS Warburg LLC, Citigroup Global Markets Limited, Citigroup Global Markets Inc., Jefferies International Limited, Jefferies LLC (f/k/a Jefferies & Company, Inc.), JPMorgan Chase Bank, N.A., J.P. Morgan Securities plc (f/k/a J.P. Morgan Securities Ltd.), J.P. Morgan Securities LLC (f/k/a J.P. Morgan Securities Inc.), RBC Europe Limited f/k/a Royal Bank of Canada Europe Limited, Royal Bank of Canada, and RBC Capital Markets, LLC (f/k/a Dain Rauscher Inc.) (collectively, "Defendants," and together with Plaintiffs, the "Parties") by and through their respective undersigned counsel, subject to this Court's approval, agree and stipulate as follows:

RECITALS

WHEREAS, on December 3, 2019, Ohio Carpenters' Pension Fund, Boston Retirement System, and Electrical Workers Pension Fund Local 103 I.B.E.W (the "TAC Plaintiffs") filed a Third Amended Consolidated Class Action Complaint ("TAC") (Dkt. No. 87) against Bank of

America, N.A., Bank of America Merrill Lynch International Designated Activity Company (f/k/a Bank of America Merrill Lynch International Limited), Merrill Lynch International, NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc), NatWest Markets Securities Inc. (f/k/a RBS Securities Inc.), Nomura Securities International Inc., Nomura International plc, UniCredit Bank AG, UniCredit Capital Markets LLC, Natixis S.A., UBS AG, UBS Europe SE, and UBS Securities LLC f/k/a UBS Warburg LLC (collectively, the “TAC Defendants,” and together with the TAC Plaintiffs, the “TAC Parties”);

WHEREAS, on July 23, 2020, the Court issued a Decision and Order granting in part and denying in part the TAC Defendants’ Motion to Dismiss the TAC (Dkt. No. 115), dismissing all claims by plaintiff Boston Retirement System and all claims against defendants Bank of America, N.A., Bank of America Merrill Lynch International Designated Activity Company, Merrill Lynch International, NatWest Markets Plc, NatWest Markets Securities Inc., UniCredit Bank AG, UniCredit Capital Markets LLC, UBS AG, UBS Europe SE, and UBS Securities LLC, and not dismissing the claims asserted against defendants Natixis S.A., Nomura Securities International Inc., and Nomura International plc;

WHEREAS, the TAC Parties agreed on a schedule for the filing of a Fourth Amended Consolidated Class Action Complaint (the “FAC”), pre-motion letters on the TAC Defendants’ motion(s) to dismiss the FAC, and the TAC Defendants’ motion(s) to dismiss the FAC, which the Court approved on August 26, 2020 in the Fifth Amended Case Management Order (Dkt. No. 128);

WHEREAS, on February 9, 2021, Plaintiffs filed the FAC (Dkt. No. 146);

WHEREAS, the FAC named additional defendants, including but not limited to Citigroup Global Markets Limited, Citigroup Global Markets Inc., Jefferies International Limited, Jefferies

LLC (f/k/a Jefferies & Company, Inc.), JPMorgan Chase Bank, N.A., J.P. Morgan Securities plc (f/k/a J.P. Morgan Securities Ltd.), J.P. Morgan Securities LLC (f/k/a J.P. Morgan Securities Inc.), RBC Europe Limited f/k/a Royal Bank of Canada Europe Limited, Royal Bank of Canada, and RBC Capital Markets, LLC (f/k/a Dain Rauscher Inc.) (collectively, the “Additional Defendants”);

WHEREAS, the Parties have conferred and agreed that it is in the interests of efficiency and judicial economy for the TAC Defendants and the Additional Defendants to share the same deadline for the filing of pre-motion letters and motion(s) to dismiss the FAC, as well as any potential responsive pleadings to the FAC.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. The Parties’ schedule to exchange pre-motion letters for motion(s) to dismiss the FAC pursuant to Rule II.B of the Court’s Individual Practices shall be as follows:

- a. Defendants’ letter(s) to Plaintiffs shall be due no later than April 16, 2021;
- b. Plaintiffs’ reply letter(s) to Defendants shall be due no later than May 17, 2021;
- c. In the event that, at the conclusion of the letter exchange, in accordance with the Court’s Individual Practices, the Parties “fail to resolve [their] dispute over the appropriateness of the filing of a motion to dismiss,” Defendants shall so notify the Court in a letter no later than May 31, 2021, and request a pre-motion conference with the Court.

2. Defendants’ time to answer, move to dismiss, or otherwise respond to the FAC shall be as follows:

- a. Defendants shall move to dismiss the FAC no later than sixty (60) days after the pre-motion conference;

b. Plaintiffs shall file oppositions to any motions to dismiss no later than sixty (60) days after Defendants file the motion to dismiss;

c. Defendants shall file their reply no later than thirty (30) days after Plaintiffs file their opposition brief;

d. No answers to the FAC shall be required until the Court rules on any motions to dismiss.

3. Discovery shall be stayed pending resolution of any motion(s) to dismiss the FAC. Notwithstanding this paragraph or any other provision herein, Plaintiffs reserve the right to request jurisdictional discovery from any Defendant that moves to dismiss the FAC pursuant to Federal Rule of Civil Procedure 12(b)(2), and Defendants reserve the right to oppose any such request.

4. No defenses or rights under the Federal Rules, Local Rules, or any other laws or regulations, including, without limitation, defenses based upon lack of personal jurisdiction, are prejudiced or waived or curtailed by Defendants' executing, agreeing to, or filing this Stipulation, except all defenses or rights with respect to the adequacy of service.

5. This Stipulation may be executed in separate counterparts, and counterparts may be executed in facsimile form, each of which shall be an original.

Dated: March 10, 2021
New York, New York

SCOTT+SCOTT ATTORNEYS AT LAW LLP

Kristen Anderson (DDK)

Christopher M. Burke
600 W. Broadway, Suite 3300
San Diego, CA 92101
Telephone: 619-233-4565
Facsimile: 619-233-0508
cburke@scott-scott.com

David R. Scott
156 South Main Street
P.O. Box 192
Colchester, CT 06415
Telephone: 860-537-5537
Facsimile: 860-537-4432
david.scott@scott-scott.com

Donald A. Broggi (DB-9661)
Kristen Anderson (KA-1965)
Joseph P. Guglielmo
Michelle E. Conston
The Helmsley Building
230 Park Ave., 17th Floor
New York, NY 10169
Telephone: 212-223-6444
Facsimile: 212-223-6334
dbroggi@scott-scott.com
kanderson@scott-scott.com
jguglielmo@scott-scott.com
mconston@scott-scott.com

LOWEY DANNENBERG, P.C.

Vincent Briganti (DDK)

Vincent Briganti
Geoffrey M. Horn
Christian Levis
Roland R. St. Louis, III
44 South Broadway, Suite 1100
White Plains, NY 10601
Telephone: 914-997-0500
Facsimile: 914-997-0035
vbriganti@lowey.com
ghorn@lowey.com
clevis@lowey.com
rstlouis@lowey.com

Charles Kopel
One Tower Bridge
100 Front Street, Suite 520
West Conshohocken, PA 19428
Telephone: 215-399-4770
Facsimile: 610-862-9777
ckopel@lowey.com

LABATON SUCHAROW LLP

Gregory S. Asciolla (DDK)

Gregory S. Asciolla
Karin E. Garvey
Matthew J. Perez
Veronica Bosco
140 Broadway
New York, NY 10005
Telephone: 212-907-0700
Facsimile: 212-818-0477
gasciolla@labaton.com
kgarvey@labaton.com
mperez@labaton.com
vbosco@labaton.com

Interim Co-Lead Counsel for the Class


SHEARMAN & STERLING LLP



Adam S. Hakki
Richard F. Schwed
Grace J. Lee
599 Lexington Avenue
New York, New York 10022
Telephone: 212-848-4000
Facsimile: 646-848-4000
ahakki@shearman.com
rschwed@shearman.com
grace.lee@shearman.com

*Attorneys for Defendants Bank of America, N.A.
and Merrill Lynch International*

DAVIS POLK & WARDWELL LLP



Paul S. Mishkin
John M. Briggs
Maude Paquin
450 Lexington Avenue
New York, New York 10017
Telephone: 212-450-4000
Facsimile: 212-701-5800
paul.mishkin@davispolk.com
john.briggs@davispolk.com
maude.paquin@davispolk.com

*Attorneys for Defendants NatWest Markets Plc
and NatWest Markets Securities Inc.*

CRAVATH, SWAINE & MOORE LLP



John Buretta
825 Eighth Avenue
New York, New York 10019
Telephone: 212-474-1000
Facsimile: 212-474-3700
jlburetta@cravath.com

Attorneys for Defendant Nomura International plc

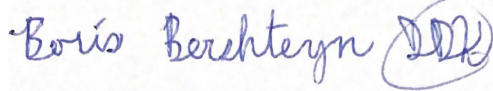
**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**



Aidan Synnott
1285 Avenue of the Americas
New York, New York 10019
Telephone: 212-373-3000
Facsimile: 212-757-3990
asynnott@paulweiss.com

*Attorneys for Defendant Nomura Securities
International Inc.*

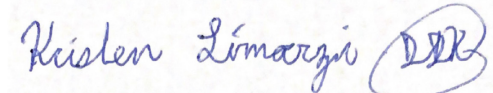
**SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP AND AFFILIATES**



Boris Bershteyn
Susan Saltzstein
Sam Auld
One Manhattan West
New York, New York 10001
Telephone: 212-735-3000
Facsimile: 212-735-2000
boris.bershteyn@skadden.com
susan.saltzstein@skadden.com
sam.auld@skadden.com

*Attorneys for Defendants UniCredit Bank AG and
UniCredit Capital Markets LLC*

GIBSON, DUNN & CRUTCHER LLP



Kristen Limarzi (*pro hac vice*)
Amy Feagles (*pro hac vice*)
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: 202-955-3518
Facsimile: 202-530-9527
klimarzi@gibsondunn.com
afeagles@gibsondunn.com

Philip Shapiro
200 Park Avenue
New York, New York 10166
Telephone: 212-351-5323
Facsimile: 212-716-0824
pshapiro@gibsondunn.com

*Attorneys for Defendants UBS AG, UBS Europe SE,
and UBS Securities LLC*

MILBANK LLP

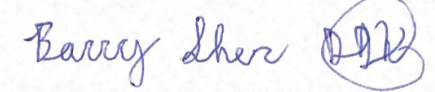


Fiona A. Schaeffer
James G. Cavoli
55 Hudson Yards
New York, New York 10001
Telephone: 212-530-5651
Facsimile: 212-822-5651
fschaeffer@milbank.com
jcavoli@milbank.com

Mark D. Villaverde
2029 Century Park East, 33rd Floor
Los Angeles, California 90067-3019
Telephone: 424-386-4000
Facsimile: 213-892-4743
mvillaverde@milbank.com

Attorneys for Defendant Natixis S.A.

PAUL HASTINGS LLP



Barry G. Sher
Anthony Antonelli
200 Park Avenue
New York, New York 10166
Telephone: 212-318-6000
Facsimile: 212-319-4090
barrysher@paulhastings.com
anthonyantonelli@paulhastings.com

*Attorneys for RBC Capital Markets, LLC, RBC
Europe Limited, and Royal Bank of Canada*

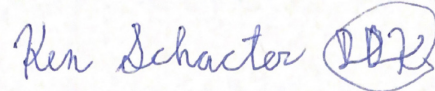
**CLEARY GOTTLLIEB STEEN &
HAMILTON LLP**

 (DDK)

Lev L. Dassin
Roger A. Cooper
Andrew Weaver
Shannon A. Daugherty
One Liberty Plaza
New York, New York 10006
Telephone: 212-225-2000
Facsimile: 212-225-3999
ldassin@cgsh.com
racooper@cgsh.com
aweaver@cgsh.com
sdaugherty@cgsh.com

*Attorneys for Citigroup Global Markets Inc. and
Citigroup Global Markets Limited*

MORGAN, LEWIS & BOCKIUS LLP

 (DDK)

Kenneth I. Schacter
101 Park Avenue
New York, New York 10178
Telephone: 212-309-6000
Facsimile: 212-309-6001
kenneth.schacter@morganlewis.com

Jon R. Roellke
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2541
Telephone: 202-739-3000
Facsimile: 202-739-3001
jon.roellke@morganlewis.com

*Attorneys for Jefferies International Limited and
Jefferies LLC*

COVINGTON & BURLING LLP

 (DDK)

Robert D. Wick
Henry Liu
One CityCenter
850 Tenth Street, N.W.
Washington D.C. 20001
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
rwick@cov.com
hliu@cov.com

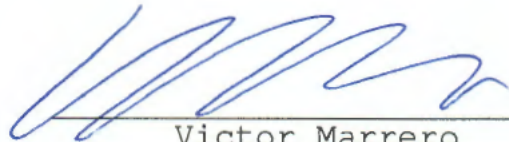
*Attorneys for JPMorgan Chase Bank, N.A., J.P.
Morgan Securities LLC, and J.P. Morgan Securities
plc*

SO ORDERED.

DATED:

March 11, 2021

New York, New York



Victor Marrero
U.S.D.J.